

HOUSE BILL 1414

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CF SB 695

By: **Delegates Shewell, Elliott, Krebs, and Stocksdale**

Introduced and read first time: February 22, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Violent Offenders – Parole as Condition for Alcohol or**
3 **Drug Abuse Treatment**

4 FOR the purpose of providing that a defendant who has been sentenced to the Division
5 of Correction after being convicted of a certain violent crime is not eligible for
6 commitment for alcohol or drug abuse treatment until the defendant is eligible
7 for parole; and generally relating to the eligibility of violent offenders for drug
8 or alcohol abuse treatment.

9 BY repealing and reenacting, without amendments,
10 Article – Correctional Services
11 Section 7–301(c)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 8–507(a)
17 Annotated Code of Maryland
18 (2009 Replacement Volume)

19 BY adding to
20 Article – Health – General
21 Section 8–507(p)
22 Annotated Code of Maryland
23 (2009 Replacement Volume)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-301.

2 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph,
3 an inmate who has been sentenced to the Division of Correction after being convicted
4 of a violent crime committed on or after October 1, 1994, is not eligible for parole until
5 the inmate has served the greater of:

6 1. one-half of the inmate's aggregate sentence for
7 violent crimes; or

8 2. one-fourth of the inmate's total aggregate sentence.

9 (ii) An inmate who has been sentenced to the Division of
10 Correction after being convicted of a violent crime committed on or after October 1,
11 1994, and who has been sentenced to more than one term of imprisonment, including a
12 term during which the inmate is eligible for parole and a term during which the
13 inmate is not eligible for parole, is not eligible for parole until the inmate has served
14 the greater of:

15 1. one-half of the inmate's aggregate sentence for
16 violent crimes;

17 2. one-fourth of the inmate's total aggregate sentence;
18 or

19 3. a period equal to the term during which the inmate is
20 not eligible for parole.

21 (2) An inmate who is serving a term of imprisonment for a violent
22 crime committed on or after October 1, 1994, shall receive an administrative review of
23 the inmate's progress in the correctional facility after the inmate has served the
24 greater of:

25 (i) one-fourth of the inmate's aggregate sentence; or

26 (ii) if the inmate is serving a term of imprisonment that
27 includes a mandatory term during which the inmate is not eligible for parole, a period
28 equal to the term during which the inmate is not eligible for parole.

29 **Article – Health – General**

30 8-507.

31 (a) Subject to the limitations in this section, a court that finds in a criminal
32 case or during a term of probation that a defendant has an alcohol or drug dependency
33 may commit the defendant as a condition of release, after conviction, or at any other

1 time the defendant voluntarily agrees to participate in treatment, to the Department
2 for treatment that the Department recommends, even if:

3 (1) The defendant did not timely file a motion for reconsideration
4 under Maryland Rule 4-345; or

5 (2) The defendant timely filed a motion for reconsideration under
6 Maryland Rule 4-345 which was denied by the court.

7 **(P) A DEFENDANT WHO HAS BEEN SENTENCED TO THE DIVISION OF**
8 **CORRECTION AFTER BEING CONVICTED OF A VIOLENT CRIME AS DEFINED IN §**
9 **14-101(A) OF THE CRIMINAL LAW ARTICLE IS NOT ELIGIBLE FOR COMMITMENT**
10 **UNDER THIS SECTION UNTIL THE DEFENDANT IS ELIGIBLE FOR PAROLE UNDER**
11 **§ 7-301(C) OF THE CORRECTIONAL SERVICES ARTICLE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2010.